

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Canal Insurance Company,

Plaintiff,

v.

Civil No. 08-439 (JNE/RLE)
ORDER

Kwik Kargo, Inc. Trucking,
Clear Lake Enterprises, LLC,
Matthew Anderson, Duane Wolff,
and Wolff Agency, Inc.,

Defendants.

In an Order dated April 21, 2009, the Court determined that Kwik Kargo, Inc. Trucking (Kwik Kargo) was liable to Canal Insurance Company (Canal) for all reasonable amounts paid by Canal to settle a lawsuit arising out of a motor vehicle accident in Mississippi, all reasonable costs and attorney fees incurred by Canal in settling the Mississippi lawsuit, and all reasonable costs and attorney fees incurred by Canal in pursuing reimbursement from Kwik Kargo during this lawsuit. Canal and Kwik Kargo filed a stipulation [Docket No. 89] setting forth their agreement as to those amounts, costs, and attorney fees. Having reviewed the stipulation, the Court concludes that the amounts summarized within are reasonable.

The only remaining defendant in this action is Matthew Anderson. In March 2008, Anderson sent a letter to counsel for Canal asking to be removed from this suit, and sent a copy of the letter to the Clerk's Office. [See Docket No. 2.] Anderson has not otherwise appeared in this action. A copy of the June 4, 2009, Order dismissing Canal's claims against Clear Lake Enterprises, LLC, mailed to Anderson by the Clerk's Office was returned as undeliverable. [See Docket No. 80.] On September 14, 2009, Canal and Kwik Kargo filed a stipulation [Docket No. 90] agreeing to the dismissal of Canal's claims against Anderson without prejudice. The Court

dismisses Canal's claims against Anderson without prejudice. *See* Fed. R. Civ. P. 42(a)(2).

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS

ORDERED THAT:

1. Kwik Kargo is liable to Canal for \$121,195.53.
2. Canal's claims against Matthew Anderson are DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 14, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge